

1 The Honorable John H. Chun
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 DAVID MCKEAN,

11 Defendants.

No. CR23-154 JHC

12 ORDER CONTINUING TRIAL
13 AND PRETRIAL MOTIONS
14 DEADLINE AND EXCLUDING
15 TIME UNDER THE SPEEDY
16 TRIAL ACT

17 This matter comes before the Court on the stipulated motion to continue the trial
18 and pretrial motions deadline dates, which the Court has considered.

19 The Court, having reviewed the record and files in this case and after a
20 consideration of all relevant information and the circumstances of this case, finds that the
21 ends of justice will best be served by continuing the trial date to February 12, 2024. The
22 ends of justice outweigh the best interests of the public and Defendant in having the
23 matter brought to trial sooner. Any and all period of delay resulting from this
24 continuance, from the date of this Order to the date of the rescheduled trial, shall be
25 excludable time pursuant to 18 U.S.C. § 3161(h)(7)(A).

1 In support of this order, the Court incorporates the facts and circumstances
2 described in the stipulated motion as findings of fact.

3 The COURT therefore FINDS that the ends of justice will best be served by a
4 continuance and outweigh the best interests of the public and the defendants in a speedy
5 trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A);

6 The COURT further FINDS that a failure to grant a continuance of the trial date
7 would result in a miscarriage of justice because the defendant would be denied the
8 reasonable time necessary for effective preparation, taking into account the exercise of
9 due diligence. 18 U.S.C. § 3161(h)(7)(B)(i) and (iv);

10 The COURT further FINDS that the charges are serious and carry potential
11 substantial imprisonment penalties and the case is of sufficient complexity due to the
12 volume of discovery provided and to be provided, that it is unreasonable to expect
13 adequate preparation for pretrial proceedings or the trial itself by the dates currently set,
14 within the meaning of 18 U.S.C. § 3161(h)(7)(B)(ii); and

15 The COURT further FINDS that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and
16 (h)(7)(B)(iv), the period of delay is reasonable.

17 Accordingly, IT IS ORDERED that the stipulated motion is GRANTED. Trial
18 shall be continued to February 12, 2024 and that the period of time from the date of the
19 filing of the motion until the new trial date of February 12, 2024, is excluded time
20 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 et seq., for purposes of computation
21 of the time limitations imposed by the Speedy Trial Act, Title 18, United States Code,
22 Section 3161 through 3164.

1 Additionally, IT IS ORDERED that the pretrial motions deadline is reset to
2 January 3, 2024.

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5 JOHN H. CHUN
6 UNITED STATES DISTRICT JUDGE
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8 PRESENTED BY:

9 s/ Barry Flegenheimer
10 BARRY FLEGENHEIMER
11 Attorney for David McKean

12 s/ Dane A. Westermeyer
13 DANE A. WESTERMAYER
14 Assistant United States Attorney
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